

Appln No. 10/622,221  
Amdt date February 9, 2011  
Reply to Office action of November 9, 2010

### **REMARKS/ARGUMENTS**

In the Office action dated November 9, 2010, the Examiner rejected claims 1, 2, 4, 9-17, 19 and 22-29 under 35 U.S.C. §103(a) as allegedly obvious over Cox, et al. (U.S. Patent No. 6,161,543) in view of Whayne, et al. (U.S. Patent No. 6,203,525) and Fleischman (U.S. Patent No. 5,885,278). In making this rejection, the Examiner continues to assert that Cox discloses a non-conductive tubing having the recited pre-formed generally heel-shaped curve, and interprets the term "pre-formed curve" as a curve "provided with a shape [at] some indefinite earlier time." Office action, pages 3 and 11. While Applicant disagrees with the Examiner's interpretation of the term "pre-formed curve" and with the Examiner's interpretation of the cited references, in an effort to expedite allowance of this application, Applicant has amended independent claim 1 to recite that the mid-section of the non-conductive tubing has *shape-memory such that the mid-section of the tubing is biased into* a pre-formed generally heel-shaped curve comprising a first bend away from a first central longitudinal axis of the catheter body and a second bend distal the first bend back toward and past the first central longitudinal axis of the catheter body. Applicant has also amended independent claim 17 in similar manner to recite that the non-conductive tubing has *shape-memory such that the tubing is biased into* a pre-formed generally heel-shaped curve comprising a first bend away from a first central longitudinal axis of the catheter body and a second bend distal the first bend back toward and past the first central longitudinal axis of the catheter body. As none of Cox, Whayne and Fleischman, either alone or in any combination, teach or suggest a tubing having shape-memory such that the tubing is biased into the recited generally-heel shaped curve, independent claims 1 and 17, and all claims dependent therefrom, including claims 2, 4, 9-16, 19 and 22-29, are allowable over those references.


The Examiner also rejected claims 30-32 under 35 U.S.C. §103(a) as allegedly obvious over Cox, Whayne and Fleischman in view of one or more of Fung, et al. (U.S. Patent No. 6,120,476) and Swanson, et al. (U.S. Patent No. 5,961,513). However, each of claims 30-32 depend from one of independent claims 1 and 17, both of which are allowable over Cox, Whayne and Fleischman, as discussed above. Neither Fung nor Swanson remedy the deficiencies of Cox,

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Whayne and Fleischman as neither reference teaches or suggests the catheters recited in independent claims 1 and 17. Therefore, independent claims 1 and 17, and all claims dependent therefrom, including claims 30-32, are allowable over Cox, Whayne, Fleischman, Fung and Swanson.

Claims 1, 2, 4, 9-17, 19 and 22-32 now remain pending in this application. By this amendment, Applicant has amended claims 1 and 17 to place the claims in condition for allowance and to place the claims in better form for appeal. The amendments find full support in the original specification, claims and drawings, and no new matter is presented. In view of the above amendments and remarks, Applicant submits that all of pending claims 1, 2, 4, 9-17, 19 and 22-32 are in condition for allowance. Also, as withdrawn claims 33 and 34 both depend from allowable, elected claim 1, these claims are eligible for rejoinder. Applicant therefore respectfully requests that all of withdrawn claims 33 and 34 be rejoined and allowed, and respectfully requests a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact Applicant's counsel at the number indicated below.

Respectfully submitted,  
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